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v. Smith, 29 Mich., 166; *Martin v. Platt,* 5 N. Y. St., 284. But where a quality necessary to make specific performance possible, though originally lacking, is subsequently supplied, specific performance will be decreed. *Woodruff v. Woodruff,* 44 N. J. Eq., 349; *Sayward v. Houghton,* 119 Cal., 545. This seems to be the real ground for the decision in the leading case, and similar cases. An option contract is converted into a contract of sale, which may be specifically enforced, by an acceptance by the offeree, within the time agreed upon. *Couch v. McCoy,* 138 Fed., 696; *Jones v. Barnes,* 94 N. Y. Supp., 695; *Chadsey v. Condley,* 62 Kan., 853. But specific performance will not be decreed where there has not been such an acceptance. *Pollock v. Brookover,* 60 W. Va., 75. And the acceptance must be in exact accord with the terms of the option. *Henry v. Black,* 213 Pa., 620; *Pollock v. Brookover, supra.* But specific performance will be decreed though there be no consideration for the offer, where it was not withdrawn before acceptance. *R. R. Co. v. Bartlett,* 3 Cush., 224; *Perkins v. Hadsell,* 50 Ill., 216. *Contra, Litz v. Goosling,* 93 Ky., 185.

STATUTES—UNCONSTITUTIONAL STATUTE—EFFECT.—EX PARTE BOCKHORN, 138 S. W., 706, (TEX.).—*Held,* that, since an unconstitutional act is void from its inception, neither conferring rights, imposing duties, nor affording protection, an act imposing a license tax on sellers of sewing machines, unconstitutional in its inception as discriminating and non-uniform, was not rendered valid by the subsequent repeal of the part of the act rendering it unconstitutional.

The general rule is that an act amending an invalid or unconstitutional act is void. *Cowley v. Rushville,* 60 Ind., 327; *Plattsmouth v. Murphy,* 74 Neb., 749. But if the act is unconstitutional merely from a failure to comply with the constitutional requirements in enacting it, it may be amended into a valid act. *Ferry v. Campbell,* 110 Ia., 290; *Walsh v. State,* 142 Ind., 357. And if a statute, constitutional when passed, is made invalid by the adoption of a new constitution, it may be amended to comply with the new constitution. *Railway Co. v. Adams,* 33 Fla., 608. Where only a section or part of a section of an act is unconstitutional, the act may be amended by removing the objectionable part or substituting another section, the effect being to re-enact the old act with the amendment. *State v. Cincinnati,* 52 Ohio St., 419; *Lynch v. Murphy,* 119 Mo., 163; *State v. Corbett,* 61 Ark., 226. An act, although it purports to amend an unconstitutional act, if it is complete in itself, is valid. *People v. Onahan,* 170 Ill., 449; *People v. Canvassers,* 143 N. Y., 84; *Mortgage Co. v. Hardy,* 93 Tex.. 300. In *Columbia Wire Co. v. Boyce,* 104 Fed., 172, there is a dictum that an act, though invalid for any reason, may be amended. One recent case holds that an unconstitutional statute may be amended into a valid act by mere reference to it, for it is not properly void and nonexistent, but merely unenforceable. *Allison v. Corker,* 67 N. J. Law, 596.

SUNDAY—OPENING STORE—SCOPE OF STATUTE.—STATE V. MORIN, 80 ATLANTIC, (ME.), 751.—*Held,* Rev. St. c., 125, 25, prohibiting the keeping open of a store on Sunday, does not prohibit a druggist to go into his

store to compound a prescription in case of sickness, or to do an act of necessity or charity; the statute merely prohibiting keeping open to invite trade, transaction of business, or work in the store.

The rule laid down by the principal case is supported by the weight of authority. The rule as stated in *Doyle v. Lynn & B. R. Co.,* 118 Mass., 195, is that, whatever proceeds from a sense of moral duty or a feeling of kindness and humanity, and is intended wholly for the purpose of the relief or comfort of another, and not for ones own benefit, is not within the meaning of the statute. In the case of *Western Union Telegraph Co. v. Yopst,* 118 Ind., 248, it was held, that in determining whether an act is within the meaning of the statute, it is proper to give just effect to the nature of the business in which the person who does it is engaged. In a Kansas case, the delivery of milk by a dairyman on Sunday, was deemed to be a work of necessity and not prohibited by the Sunday law. *City of Topeka v. Hempstead,* 58 Kans., 328. When a property right is in danger, work done on Sunday to prevent loss, is deemed a work of necessity. *Johnson v. People,* 42 Ill. App., 594; *Morris v. State,* 31 Ind., 189. The running of trains carrying mail, freight, and perishable property has been held a work of necessity. *Commonwealth v. Rob,* 14 Pa. Co. Ct. R., 473. Likewise work done on Sunday, for public safety. *Flag v. Inhabitance of Millburg,* 58 Mass., 243. In the case of *Commonwealth v. Harrison,* 77 Mass., 308, a shop was deemed to be open on Sunday if all who please can obtain access thereto to buy, although the entrance is closed. Merely keeping the doors of a store open on Sunday, without traffic is not a violation of a code which punishes one who keeps "open store on Sunday". *Snyder v. State,* 59 Ala., 64.